

IN THE DRAWINGS

Please replace the originally submitted informal drawings with the enclosed formal drawings. Fig. 2 has been amended to insert the reference number “200” as required by the Examiner. The remainder of the drawings are submitted to replace the original informal drawings with formal drawings.

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action. Applicant appreciates the indication of allowance of claims 28-32, and allowability of claims 10, 20, 23, 27, 42 and 52. Reconsideration is requested in view of the following remarks.

Regarding the Specification and Drawings

Formal drawings are submitted herewith in which “200” appears in Fig. 2. The specification has been amended as suggested by the Examiner, and to incorporate reference numbers “354” and “812”, which were inadvertently omitted. With these corrections, the specification and drawings are submitted to be in compliance with the rules. Accordingly, reconsideration and removal of the objection to the drawings and specification are respectfully requested.

Regarding the Rejections under 35 U.S.C. §§102 and 103

Applicant has reviewed the rejections and reasons for allowance presented in the present Office Action. Applicant notes that none of the cited art discloses or suggests pivotal attachment of a gripping plate to a bar. Additionally, none of the cited art discloses a gripping plate comprising a variable diameter gripping plate and has first and second opposed offset spiral segments defining a portion of a periphery thereof. Nor does the cited art teach or suggest an exercise device have one end weighted and having a sleeve handle and/or gripping plate as taught and claimed.

Regarding claims 1-15

In order to more clearly distinguish over the cited art, Applicant has amended claim 1 to incorporate the features of claims 7 and 13. Claims 7, 8 and 13 have been cancelled. Specifically, claim 1 now calls for a gripping plate which has two offset spirals defining a periphery thereof. This is identically that which was originally claimed in claim 13. Claim 13 was asserted to be obvious based upon the combination of Weber and Hornbostel. However, neither Weber nor Hornbostel disclose, teach or suggest a gripping plate that has an outer

periphery defined by two offset spirals. Moreover, the Office Action fails to point out where such teaching or suggestion might be located in any of the cited references. MPEP 2143.03 requires that all claim limitations must be taught or suggested in order to establish *prima facie* obviousness. In this case, the claim feature of a gripping plate having an outer periphery defined by two offset spirals is not found in the cited art, and is not asserted to be present in the art in the Office Action. Moreover, MPEP 2143.01 requires that there be some suggestion or motivation in the art to modify the references to achieve the claimed invention. The cited art further fails to provide any teaching, suggestion or motivation for providing such a shape for the gripping plate. The shape described (in several of the claims) permits multiple exercises to be done with the apparatus, and further permits a single plate to fit a number of hand sizes. In view of these failings of the cited art, *prima facie* obviousness has not been established for claim 13. Hence, claim 1 as amended is also not *prima facie* obvious. Accordingly, the remaining of claims 1-15 are clearly patentable.

It is further noted that the amendment to claim 1, cannot necessitate a new grounds for rejection, since amended claim 1 is simply a restatement of originally submitted claim 13 in independent form. In view of these arguments and amendments, reconsideration and allowance of claims 1-5 are respectfully requested.

Regarding claims 16-27

Applicant notes with appreciation the indication of allowability of claims 20, 23 and 27. At present, it is believed unnecessary to rewrite each of these claims in independent form in order to overcome the objections for at least the following reasons:

Claim 16 has been amended to essentially incorporate the features of allowable claim 20, and claim 20 has been cancelled. Claim 16 has also been amended to remove the term “pivotal” since the sleeve connection or the gripping plate connection may or may not be pivotal (as illustrated in the embodiment of Figs. 4 and 9. None of the cited art is believed to teach or reasonably suggest an exercise apparatus in which either a gripping plate or a sleeve handle can be interchangeably attached to one end of a bar having a weight attached to the other to provide either a gripping plate for one form of exercise or a handle for another type of exercise. Hence,

amended claim 16 is similar in scope to original claim 20 which has been indicated allowable, but further features have been added to even more clearly define the claimed invention.

The Kracht reference was cited for the proposition of showing a sleeve over a weightlifting barbell's bar. But, Kracht's sleeve is designed to rotate about the bar as the bar is rotated during the exercises wherein the bar is essentially horizontal with equal weights on each end. As understood, nothing in Kracht suggests securing weights on a first end and the sleeve to the bar at a second end. The bar is simply trapped between weights used at both ends. Claim 16 has been further amended to more specifically call out that the weight provides increased weight at the first end of the bar and either the handle or the sleeve is attached to the other end of the bar. Additionally, the sleeve's increased diameter to provide a larger handle is called out. These features precludes a sleeve such as Kracht's sleeve which will only appropriately function in a situation where the bar is horizontal with reasonably balanced weights at both ends. Kracht fails to teach or fairly suggest a sleeve that is used as a handle at one end of a bar that is only weighted at the other. In fact, as understood, if weights were only present on one end of Kracht's bar, his sleeve would likely slide off of the bar if it were used as a handle for lifting the bar – particularly if the bar were vertical and the weight being lifted is situated at the bottom. None of the cited art fairly teaches or suggests an exercise device having variable weight at one end and interchangeable gripping plate and handle at the other end. In view of these amendments, reconsideration of claims 16-27 is respectfully requested.

Regarding claims 28-32

Applicant notes with appreciation the indication of allowance of these claims. A minor ambiguity was noted in claim 28, which is believed to have been correctly interpreted by the Examiner. This ambiguity, however, has been corrected by this amendment.

Regarding claims 33-45

Applicant notes with appreciation the indication of allowability of claim 42. Applicant has amended claim 33 by inserting the features of allowable claim 42 and claim 41 from which it

depends. Claims 35, 36, 41 and 42 have been cancelled. Hence it is believed clear that claims 33, 34, 37-40 and 43-45 are clearly allowable.

Regarding claims 46-55

Applicant notes with appreciation the indication of allowability of claim 52. In view of the following, rewriting claim 46 to incorporate the features of claim 52 is believed unnecessary. Applicant has amended claim 46 by inserting the features claim 55 and cancelled claim 55. As noted previously, a gripping plate having an outer perimeter defined by two offset spirals is neither taught nor suggested by the cited art. Rotella's device (and none of the cited references) clearly has no offset spirals as claimed in the claims as amended. Hence, it is submitted that the remainder of claims 46-55 are clearly allowable.

Regarding new claims 56-65

Applicant is presenting new claims 56-65 for consideration by the examiner. These new claims are submitted to further define the invention as used in conjunction with sleeve handle (700 of Fig. 9). None of the cited art teaches or suggests such a sleeve handle adjacent one end (used to adjust the diameter of the handle end of the apparatus) with a weight adjacent another end of a bar. Hence, these claims are submitted to be patentable. Consideration and allowance of these new claims are respectfully requested.

Particularly regarding the rejections under 35 U.S.C. §103

It is noted that Hornbostel both fails to disclose a dumbbell as asserted and neither of the reference discloses gripping plates as currently claimed. The Examiner's attention is directed to the above remarks and amendments in response to the obviousness rejections.

Applicant agrees that many equivalent mechanisms for securing weights to a bar are known and any one of them could be used equivalently without limitation in realizing embodiments consistent with the present invention, per the Examiner's Official Notice.

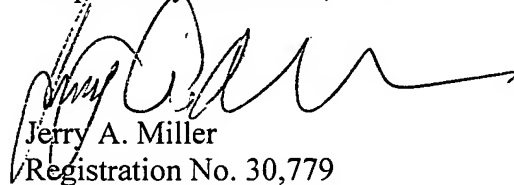
While Applicant recognizes that a mere change in dimension is not by itself patentable, the particular dimensions cited for the terminating points of offset spirals lead to a user having

the ability to use embodiment consistent with the present invention for a wide variety of hand sizes and for a wide variety of exercises. Hence, it is clear that not only are the particular claimed sizes not taught, disclosed or suggested, the overall shape of the offset spirals is not taught, disclosed or suggested. Moreover, in Weber and Hornbostel, Applicant finds no corresponding teaching of a gripping plate – in combination with the other claim elements – for use in the type of exercises for which Applicant's claimed invention is used. As amended, the sizes of the gripping plates further define a gripping plate of offset spirals which are neither taught nor suggested in the cited art. There is substantially more claimed than a simple change in size of the devices shown in Weber and Hornbostel, since the references fail to disclose any structure that the size of is simply changed. Hence the precedent of *in re Rose* is not applicable.

Concluding remarks

Several minor amendments have been made to correct errors noted during preparation of this response. In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of a telephone or personal interview. The undersigned can be reached at the telephone number below.

Respectfully submitted,



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